

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2004-011955

04/13/2011

HONORABLE RUTH H. HILLIARD

CLERK OF THE COURT
D. Galligan
Deputy

IN RE THE MATTER OF
JENNIFER LYNN MAGLIO

M PAUL FISCHER

AND

JAMES DAVID WYMAN

RONEE F STEINER

MINUTE ENTRY

Courtroom 107- Northeast Regional Court Center

Prior to the commencement of this hearing Petitioner Jennifer Lynn Maglio and Respondent James David Wyman are sworn.

8:45 a.m. This is the time set for Return Hearing regarding Respondent's Petition to Modify Terms of Parenting Time or Alternative Request for Substitution of Parenting Time Supervisor filed on March 21, 2011. Petitioner/Mother is present with counsel, M. Paul Fischer. Respondent/Father is present with counsel, Ronee F. Steiner.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court is in receipt of Petitioner's Cross-Petition for Contempt Re: Non-Payment of Child Support.

Discussion ensues between the Court and Counsel.

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Based upon the information presented and for the reasons set forth on the record,

IT IS FURTHER ORDERED setting Evidentiary Hearing to the Court regarding both parties petitions on **August 9, 2011 at 1:30 p.m. (2 hours allotted)** in this Division at:

Maricopa County Superior Court
Northeast Regional Court Center
18380 N. 40th Street
Courtroom 107
Phoenix, Arizona 85032

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the hearing in the allotted time, and the time will not be extended absent a Motion granted by the Court and filed no later than 20 days prior to the hearing. Such a Motion shall set forth good cause to extend the time and specifically include a list of each and every witness who will testify, and an estimate of the time and subject matter of the expected testimony of each witness.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rule 49, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits, and a list of all witnesses who will testify and the subject matter of the expected testimony of each witness, no later than 30 days prior to the Hearing.
2. All depositions and discovery contemplated by Rules 51 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than 20 days prior to the Hearing.
3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to the Hearing (unless both parties are unrepresented and there has been domestic violence between them) to conduct settlement discussions, prepare a Joint Pre-hearing Statement, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

SUPERIOR COURT OF ARIZONA
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IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 6.8, Local Rules of Practice--Maricopa County (Family Court Cases), no later than 5 days prior to the hearing, unless both parties are unrepresented and there has been domestic violence between them. If the parties are unrepresented and there has been domestic violence between them, they shall file separate Pre-hearing Statements.

IT IS FURTHER ORDERED that the Pre-hearing Statement shall include the following attachments:

1. If child support, spousal maintenance and/or attorneys' fees are at issue, a current Affidavit of Financial Information completed by each party, together with a written statement as to whether the parties stipulate that the affidavits of both parties may be considered as evidence by the court as if marked as exhibits and entered into evidence pursuant to In Re Marriage of Kells, 182 Ariz. 480, 897 P.2d 1366 (App. 1995).
2. If child support is at issue, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 71(A), Arizona Rules of Family Law Procedure and Local Rule 6.2(e), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that, if the parties have more than 5 exhibits to be marked, arrangements shall be made with the Clerk of this Division at least five (5) days prior to trial to schedule a time to deliver said exhibits to the Clerk. The parties shall present the Clerk with their exhibits in consecutive, numerical order; Petitioner's exhibits shall begin with exhibit 1 and Respondent's exhibits shall continue in consecutive, numerical order thereafter. All exhibits must be presented to the Clerk for marking; a space will not be held for an exhibit that is listed on an Exhibit List, but omitted from the set delivered to the Clerk. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2004-011955

04/13/2011

IT IS FURTHER ORDERED that the parties shall indicate in the Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing, all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Pre-hearing Statement shall be summarily admitted.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure.

8:56 a.m. Matter concludes.